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July 15, 2013

**VIA EMAIL AND OVERNIGHT MAIL**

Mr. Peter Magolske  
U.S. Environmental Protection Agency  
Office of Compliance and Enforcement, M/S OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Mr. Brian Monson  
Idaho Department of Environmental Quality  
1410 North Hilton Street  
Boise, ID 83706

Re: Quarterly Progress Report – Second Quarter 2013 (April 1 – June 30)  
Administrative Order on Consent, Docket No. RCRA-10-2009-0186  
Nu-West Industries, Inc. Conda Phosphate Operations

Dear Mr. Magolske and Mr. Monson:

In accordance with Paragraph No. 72 of the above-referenced Administrative Order on Consent (“Consent Order”), this letter serves as Nu-West Industries, Inc.’s (“Nu-West”) quarterly progress report demonstrating that all activities associated with the Consent Order are being carried out.

**I. Site Assessment Report**

The following activities were conducted during second quarter of 2013, pursuant to (or related to) EPA’s May 15, 2013 comments on Nu-West’s *Site Assessment Report* (February 15, 2013):

- On May 22, 2013, Nu-West, EPA, and IDEQ held a conference call to discuss EPA’s comments and establish a format for Nu-West’s response.
- On June 21, 2013, Nu-West submitted to EPA and IDEQ a letter providing response to EPA’s comments. The letter (i) provided requested information, (ii) established a

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schedule for submittal of other requested information, or (iii) identified when a comment or requested information would be addressed in a Revised Site Assessment Report, to be submitted following the 2013 field season.

## **II. A-34 Lateral Assessment Work Plan**

The following activities were conducted during second quarter of 2013, pursuant to (or related to) the EPA-approved *A-34 Lateral Assessment Work Plan* (January 9, 2013), prepared and approved pursuant to the Consent Order:

- Nu-West continued providing to EPA and IDEQ weekly submittals *via* FTP site of water level, temperature, fluid conductivity, and pH measured by a pressure transducer and data loggers installed in groundwater monitoring well A-34-022.
- On April 3, 2013, Nu-West submitted to EPA and IDEQ the *A-34 Lateral Assessment Report*. The Report described the installation and sampling of 12 soil borings and groundwater monitoring wells in the vicinity of groundwater monitoring well A-34-022. All groundwater monitoring wells were screened across the soil-bedrock interface.
- On June 4, 2013, Nu-West, EPA, and IDEQ held a conference call to discuss the schedule for implementation of the A-34 Lateral Assessment pumping test. Nu-West agreed to conduct the pumping test during the week of June 24, 2013.
- Between June 15 and July 10, 2013, Nu-West conducted the pumping test at groundwater monitoring well A-34-022. The test included a period of background water level monitoring, a step-drawdown test, a constant rate test, and a recovery test.
- On June 21, 2013, Nu-West submitted to EPA and IDEQ a second supplemental process equipment evaluation report ("A-34 Area Process Equipment Evaluation") on assessment activities, including actions undertaken to date and planned activities to locate the source of potential releases impacting groundwater monitoring well A-34-022.
- Nu-West began implementation of a groundwater monitoring program for the Main Processing Area. Groundwater samples were collected from monitoring well A-34-022 on a weekly basis between April 4, 2013 and June 20, 2013; groundwater samples were collected from nine other monitoring or production wells on a monthly



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basis during the weeks of April 1, May 21, and June 10, 2013. Groundwater monitoring results from February 20, 2013 through March 21, 2013 were provided to EPA and IDEQ in the *February-March 2013 Main Processing Area Groundwater Monitoring Report* (April 26, 2013). Groundwater monitoring results from March 28, 2013 through April 25, 2013 were provided to EPA and IDEQ in the *March-April 2013 Main Processing Area Groundwater Monitoring Report* (June 20, 2013).

### **III. Supplemental Work Plan**

The following activities were conducted during second quarter of 2013, pursuant to (or related to) the *Supplemental Work Plan* (May 28, 2013), prepared and conditionally approved pursuant to the Consent Order. At the March 19-21, 2013 meetings between Nu-West, DOJ, EPA, and IDEQ in Boise, Idaho, Nu-West agreed to respond within one month to EPA's proposed scope of work required to complete (or advance) the investigation and assessment required by the Consent Order. The scope of work, developed and discussed during a series of conference calls, was documented in the *Supplemental Work Plan*.

- On April 11, April 16, April 17, April 23, April 25, May 1, and May 2, 2013, Nu-West, EPA, and IDEQ held a series of conference calls to discuss the scope of work for groundwater site investigation. The discussion topics during the conference calls focused on the overall objectives of the site characterization; the selection and rationale for proposed bedrock monitoring well locations; and drilling, groundwater sampling, and well construction methodology.
- On May 28, 2013, Nu-West submitted to EPA and IDEQ the *Supplemental Work Plan*. The Work Plan described the scope of work for the installation and sampling of bedrock groundwater monitoring wells in and downgradient of the Main Processing Area and downgradient of the Gyp Stacks and Cooling Ponds. EPA conditionally approved the Work Plan in a letter dated June 6, 2013.
- Nu-West initiated the drilling and geophysical logging of boreholes and construction of monitoring wells at locations A-33, A-49, and A-50 in the Main Processing Area as detailed in the *Supplemental Work Plan* (May 28, 2013). Two or three bedrock boreholes were drilled at each location for the construction of groundwater monitoring wells screened in water-bearing zones within the basalt sequence or within the underlying sedimentary sequence. Borehole summaries were provided to EPA and IDEQ for discussion; EPA approved the screen intervals for these wells in a letter dated June 28, 2013.



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- On June 24, 2013, Nu-West, EPA, and IDEQ held a conference call to discuss the implementation of a groundwater monitoring program. Nu-West agreed to provide a preliminary scope of work for the monitoring program and contact IDEQ to evaluate monitoring requirements for IDEQ that may be independent of monitoring requirements pursuant to the Consent Order.

In accordance with Paragraph Nos. 75 and 76 of the Consent Order, the certification of a duly authorized representative is included as Attachment A to this letter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Scott Burton". Below the signature, the word "FOR" is written in blue capital letters.

P. Scott Burton

cc: J Wayne Maxie, Nu-West  
Barry N. Burnell, IDEQ


Attachment – Certification

# ATTACHMENT A

## CERTIFICATION

I certify under penalty of law that the attached Quarterly Progress Report – Second Quarter 2013 was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:



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Name:

Josh Regan

Title:

Plant Manager, Nu-West Conda Phosphate Operations

Date:

7-12-2013